

1 Ryan E. Johnson (Nevada Bar # 9070)
 2 WATSON ROUNDS
 3 777 N. Rainbow Blvd., Suite 350
 4 Las Vegas, NV 89107
 5 (702) 636-4902 (phone)
 6 (702) 636-4904 (facsimile)
 7 rjohnson@watsonrounds.com

8 Stephen M. Gaffigan (*Pro Hac Vice* pending)
 9 STEPHEN M. GAFFIGAN, P.A.
 10 401 East Las Olas Blvd., Suite 130-453
 11 Ft. Lauderdale, Florida 33301
 12 Telephone: (954) 767-4819
 13 Facsimile: (954) 767-4821
 14 stephen@smgpa.net

15 *Attorneys for Plaintiff*
 16 *LOUIS VUITTON MALLETIER, S.A.*

17 THE UNITED STATES DISTRICT COURT
 18 FOR THE DISTRICT OF NEVADA

19 LOUIS VUITTON MALLETIER, S.A.,)
 20 a foreign business entity,)

21 Plaintiff,)

22 v.)

23 THE PARTNERSHIPS and)
 24 UNINCORPORATED ASSOCIATIONS)
 25 IDENTIFIED ON SCHEDULE "A" and)
 26 DOES 1-1000,)

27 Defendants.)
 28)

Case No. 2:11-cv-00738-PMP-RJJ

**ORDER GRANTING
 PLAINTIFF'S *EX PARTE*
 APPLICATION FOR ENTRY OF
 TEMPORARY RESTRAINING ORDER**

29 THIS CAUSE is before the Court on Plaintiff's *Ex Parte* Application For Entry of a
 30 Temporary Restraining Order and Preliminary Injunction (the "*Ex Parte* Application"). Plaintiff,
 31 Louis Vuitton Malletier, S.A., ("Louis Vuitton" or "Plaintiff"), moves *ex parte*, for entry of a
 32 temporary restraining order, and, upon expiration of the temporary restraining order, a preliminary
 33 injunction against Defendants, The Partnerships and Unincorporated Associations indentified on
 34 Schedule "A" hereto and Does 1-1000 (collectively "Defendants"), pursuant to 15 U.S.C. § 1116 and

1 Fed. R. Civ. P. 65 for alleged violations of the Lanham Act, 15 U.S.C. §§ 1114, and 1125(a) and (d).












2 For reasons set forth herein, Plaintiff's *Ex Parte* Application is GRANTED.

3 **I. Factual Background**

4 The Court bases this Order on the following facts from Plaintiff's Complaint, *Ex Parte*
5 Application, and supporting evidentiary submissions.

6 Louis Vuitton is a foreign business entity organized under the laws of the Republic of France
7 with its principal of business in Paris, France. (Compl. ¶ 2.) Louis Vuitton is engaged in the
8 manufacture, promotion, distribution, and sale in interstate commerce, including within this Judicial
9 District, of high quality products under Louis Vuitton's trademarks. (Declaration of Nikolay
10 Livadkin in Support of Plaintiff's *Ex Parte* Application for Entry of Temporary Restraining Order
11 and Preliminary Injunction ["Livadkin Decl."] ¶¶ 4-5.)

12 Louis Vuitton is, and at all times relevant hereto has been, the owner of all rights in and to
13 the following Federally registered trademarks:

<u>Trademark</u>	<u>Registration No.</u>	<u>Registration Date</u>
	0,297,594	September 20, 1932
LOUIS VUITTON	1,045,932	August 10, 1976
	1,519,828	January 10, 1989
	1,938,808	November 28, 1995
LOUIS VUITTON	1,990,760	August 6, 1996
	2,177,828	August 4, 1998
	2,181,753	August 18, 1998
	2,361,695	June 27, 2000
	2,378,388	August 22, 2000
LOUIS VUITTON PARIS		
	2,399,161	October 31, 2000
	2,421,618	January 16, 2001
	2,773,107	October 14, 2003
	3,023,930	December 6, 2005



3,051,235

January 24, 2006

2 (the “Louis Vuitton Marks”) which are registered in International Classes 9, 14, 18, and 25, and are
3 used in connection with the manufacture and distribution of, among other things, high quality
4 handbags, wallets, luggage, shoes, belts, scarves, sunglasses, watches, and jewelry. (Livadkin Decl.
5 ¶ 4. *See also* United States Trademark Registrations of the Louis Vuitton Marks at issue [“Louis
6 Vuitton Trademark Registrations”] attached as Exhibit A to the Livadkin Decl.)

7 Defendants have advertised, offered for sale, and/or sold at least handbags, wallets, luggage,
8 shoes, belts, scarves, sunglasses, watches, and jewelry, bearing what Plaintiff has determined to be
9 counterfeits, reproductions, and/or colorable imitations of the Louis Vuitton Marks. (Livadkin Decl.
10 ¶¶ 9-15; Declaration of Brandon Tanori in Support of Plaintiff’s *Ex Parte* Application for Entry of
11 Temporary Restraining Order and Preliminary Injunction [“Tanori Decl.”] ¶ 4.) Defendants are not
12 now, nor have they ever been, authorized or licensed to use, reproduce, or make counterfeits,
13 reproductions, and/or colorable imitations of the Louis Vuitton Marks. (Livadkin Decl. ¶ 9.)

14 Plaintiff retained Brandon Tanori (“Tanori”) of Investigative Consultants to investigate
15 suspected sales of counterfeit Louis Vuitton branded products by Defendants. (Livadkin Decl. ¶ 10;
16 Tanori Decl. ¶ 3.) Between February 16, 2011 and February 25, 2010, Tanori accessed the Internet
17 websites operating under the domain names honey-replicas.net, louis-vuitton-replicas.com,
18 louisvuittonsale-shop.com, replica2louisvuitton.com, replica4lv.com, and thereplicabag.com, and
19 placed orders for the purchase of Louis Vuitton branded wallets. (Tanori Decl. ¶ 4 and Composite
20 Exhibit A attached thereto.) Tanori’s purchases were processed entirely online, which included
21 providing shipping and billing information, payment, and confirmation of his orders. (Tanori Decl. ¶
22 4 and Composite Exhibit A attached thereto.)

23 Thereafter, a representative of Louis Vuitton, Nikolay Livadkin, reviewed and visually
24 inspected the web page listings, including images, for each of the Louis Vuitton branded goods
25 purchased by Tanori and determined the items were non-genuine Louis Vuitton products. (Livadkin
26 Decl. ¶¶ 11-12.) Additionally, Livadkin reviewed and visually inspected the items bearing the Louis
27 Vuitton Marks offered for sale via the Internet websites operating under the partnership and/or
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1 business association names identified on Schedule "A" hereto (the "Subject Domain Names") and
2 determined the products were non-genuine Louis Vuitton products. (Livadkin Decl. ¶ 12 and
3 Composite Exhibit B attached thereto, relevant web page captures from Defendants' Internet
4 websites operating under the Subject Domain Names displaying the Louis Vuitton branded items
5 offered for sale.)

6 II. Conclusions of Law

7 The declarations Plaintiff submitted in support of its *Ex Parte* Application support the
8 following conclusions of law:

9 A. Plaintiff has a very strong probability of proving at trial that consumers are likely to
10 be confused by Defendants' advertisement, promotion, sale, offer for sale, and/or distribution of
11 shoes and boots bearing counterfeits, reproductions, and/or colorable imitations of the Louis Vuitton
12 Marks, and that the products Defendants are selling are copies of Plaintiff's products that bear copies
13 of the Louis Vuitton Marks on handbags, wallets, luggage, shoes, belts, scarves, sunglasses, watches,
14 and jewelry.

15 B. Because of the infringement of the Louis Vuitton Marks, Plaintiff is likely to suffer
16 immediate and irreparable injury if a temporary restraining order is not granted. It clearly appears
17 from the following specific facts, as set forth in Plaintiff's Complaint, *Ex Parte* Application, and
18 accompanying declarations on file, that immediate and irreparable loss, damage, and injury will
19 result to Plaintiff and to consumers before Defendants can be heard in opposition unless Plaintiff's
20 request for *ex parte* relief is granted:

21 1. Defendants own or control Internet business operations which advertise, offer
22 for sale, and sell at least handbags, wallets, luggage, shoes, belts, scarves, sunglasses, watches, and
23 jewelry bearing counterfeit and infringing trademarks in violation of Plaintiff's rights;

24 2. There is good cause to believe that more counterfeit and infringing jewelry,
25 including handbags, wallets, luggage, shoes, belts, scarves, sunglasses, watches, and jewelry bearing
26 Plaintiff's trademarks will appear in the marketplace; that consumers may be misled, confused, and
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disappointed by the quality of these products; and that Plaintiff may suffer loss of sales for its genuine products;

3. There is good cause to believe that if Plaintiff proceeds on notice to Defendants on this *Ex Parte* Application, Defendants can easily and quickly transfer the registrations for many of the Subject Domain Names, or modify registration data and content, change hosts, and redirect traffic to other websites, thereby thwarting Plaintiff's ability to obtain meaningful relief;

4. The balance of potential harm to Defendants in restraining their trade in counterfeit and infringing branded goods if a temporary restraining order is issued is far outweighed by the potential harm to Plaintiff, its reputation and goodwill as a manufacturer of high quality handbags, wallets, luggage, shoes, belts, scarves, sunglasses, watches, and jewelry, if such relief is not issued; and

5. The public interest favors issuance of the temporary restraining order in order to protect Plaintiff's trademark interests and protect the public from being defrauded by the palming off of counterfeit goods as genuine goods of the Plaintiff.

Upon review of Plaintiff's Complaint, *Ex Parte* Application, and supporting evidentiary submissions, it is hereby

ORDERED that Plaintiff's Ex Parte Application is GRANTED, according to the terms set forth below:

TEMPORARY RESTRAINING ORDER

(1) Defendants, their officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with Defendants having notice of this Order are hereby temporarily restrained:

(a) From manufacturing, importing, advertising, promoting, offering to sell, selling, distributing, or transferring any products bearing the Louis Vuitton Marks, or any confusingly similar trademarks, other than those actually manufactured or distributed by Plaintiff; and

(b) From secreting, concealing, destroying, selling off, transferring, or otherwise disposing of: (i) any products, not manufactured or distributed by Plaintiff, bearing the Louis Vuitton Marks, or any confusingly similar trademarks; or (ii) any evidence relating to the manufacture, importation, sale, offer for sale, distribution, or transfer of any products bearing the Louis Vuitton Marks, or any confusingly similar trademarks.

(2) Defendants, their officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with Defendants having notice of this Order shall immediately discontinue the use of the Louis Vuitton Marks or any confusingly similar trademarks, on or in connection with all Internet websites owned and operated, or controlled by them including the Internet websites operating under the Subject Domain Names;

(3) Defendants, their officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with Defendants having notice of this Order shall immediately discontinue the use of the Louis Vuitton Marks, or any confusingly similar trademarks within domain name extensions, metatags or other markers within website source code, from use on any webpage (including as the title of any web page), any advertising links to other websites, from search engines' databases or cache memory, and any other form of use of such terms which is visible to a computer user or serves to direct computer searches to websites registered by, owned, or operated by Defendants, including the Internet websites operating under the Subject Domain Names;

(4) Defendants shall not transfer ownership of the Subject Domain Names during the pendency of this Action, or until further Order of the Court;

(5) The domain name Registrars for the Subject Domain Names are directed to transfer to Plaintiff's counsel, for deposit with this Court, domain name certificates for the Subject Domain Names;

(6) The top-level domain (TLD) Registries for the Subject Domain Names, within ten (10) days of receipt of this Temporary Restraining Order shall change the registrar of record for the Subject Domain Names to a holding account with the United States based Registrar, GoDaddy.com,

1 Inc. Upon transfer of the Subject Domain Names into the holding account, GoDaddy.com, Inc. will
2 hold the Subject Domain Names in trust for the Court during the pendency of this action.
3 Additionally, GoDaddy.com, Inc. shall immediately update the Domain Name System ("DNS") data
4 it maintains for the Subject Domain Names, which links the domain names to the IP addresses where
5 their associated websites are hosted, to NS1.MEDIATEMPLE.NET and
6 NS2.MEDIATEMPLE.NET, which will cause the domain names to resolve to the website where a
7 copy of the Complaint, Summonses, and Temporary Restraining Order and other documents on file
8 in this action are displayed. Alternatively, GoDaddy.com, Inc. may institute a domain name
9 forwarding which will automatically redirect any visitor to the Subject Domain Names to the
10 following Uniform Resource Locator ("URL") <http://servingnotice.com/ofn/index.html> whereon a
11 copy of the Complaint, Summonses, and Temporary Restraining Order and other documents on file
12 in this action are displayed. After GoDaddy.com, Inc. has effected this change the Subject Domain
13 Names shall be placed on Lock status, preventing the modification or deletion of the domains by the
14 registrar or Defendants;

15 (7) Plaintiff may enter the Subject Domain Names into Google's Webmaster Tools and
16 cancel any redirection of the domains that have been entered there by Defendants which redirect
17 traffic to the counterfeit operations to a new domain name and thereby evade the provisions of this
18 Order;

19 (8) Defendants shall preserve copies of all their computer files relating to the use of any
20 of the Subject Domain Names and shall take all steps necessary to retrieve computer files relating to
21 the use of the Subject Domain Names and that may have been deleted before the entry of this Order;

22 (9) This Temporary Restraining Order shall remain in effect until the date for the hearing
23 on the Motion for Preliminary Injunction set forth below, or until such further dates as set by the
24 Court or stipulated to by the parties;

25 (10) This Temporary Restraining Order shall apply to the Subject Domain Names and any
26 other domain names properly brought to the Court's attention and verified by sworn affidavit to be
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1 used by Defendants for the purpose of counterfeiting the Louis Vuitton Marks at issue in this action
 2 and/or unfairly competing with Louis Vuitton in connection with search engine results pages;

3 BOND TO BE POSTED

4 (11) Pursuant to 15 U.S.C. § 1116(d)(5)(D), Plaintiff shall post a bond in the amount of
 5 Twenty Thousand Dollars and Zero Cents (\$20,000.00), as payment of damages to which Defendant
 6 may be entitled for a wrongful injunction or restraint. Plaintiff shall post the bond prior to requesting
 7 the Registry to transfer control of the Subject Domain Names.

8 PRELIMINARY INJUNCTION

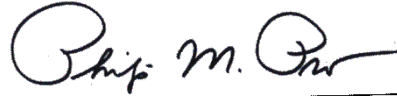
9 (12) A hearing is set before this Court in the United States Courthouse located at
 10 333 Las Vegas Blvd. South, Courtroom 7C on Thursday, May 19, 2011, at 4:30 p.m.
 11 or at such other time that this Court deems appropriate, on Plaintiff's Motion for a Preliminary
 12 Injunction restraining Defendants, their officers, directors, employees, agents, subsidiaries,
 13 distributors, and all persons in active concert or participation with Defendants from engaging in the
 14 activities that are subject of the above Temporary Restraining Order;

15 (13) Plaintiff shall serve a copy of the *Ex Parte* Application and this Order and all other
 16 pleadings and documents on file in this action on all Defendants by posting a copy of the *Ex Parte*
 17 Application and this Order on the website located at <http://servingnotice.com/ofn/index.html> within
 18 forty-eight (48) hours of the Subject Domain Names being transferred to the GoDaddy.com, Inc.
 19 holding account, and such notice so given shall be deemed good and sufficient service thereof.
 20 Plaintiff shall thereafter further provide notice of these proceedings and copies of the documents on
 21 file in this matter to Defendants using all email addresses identified in the registration data for each
 22 of the Subject Domain Names. Any response or opposition to Plaintiff's Motion for Preliminary
 23 Injunction must be filed and served on Plaintiff's counsel prior to the hearing set for May 19,
 24 2011, and filed with the Court, along with Proof of Service, on May 18, 2011. Plaintiff
 25 shall file any Reply Memorandum on or before N/A, 2011. The above dates may be
 26 revised upon stipulation by all parties and approval of this Court. Defendants are hereby on notice

1 that failure to appear at the hearing may result in the imposition of a preliminary injunction against
2 them pursuant to 15 U.S.C. § 1116(d) and Fed. R. Civ. P. 65.

3
4 IT IS SO ORDERED.

5 DATED: __ May 13, 2011



PHILIP M. PRO
UNITED STATES DISTRICT JUDGE

SCHEDULE A
THE PARTNERSHIPS and UNINCORPORATED ASSOCIATIONS

1	
2	Defendant 1: 1854louisvuitton.com
3	Defendant 2: 21centurybags.co
4	Defendant 3: 21replica.com
5	Defendant 4: 3areplicawatch.com
6	Defendant 5: 7starplanet.com
7	Defendant 6: 86handbags.com
8	Defendant 7: 960watch.com
9	Defendant 8: abag2u.com
10	Defendant 9: acereplica.com
11	Defendant 10: amazing-bags.com
12	Defendant 11: amazingreplica.com
13	Defendant 12: bagreplicator.com
14	Defendant 13: bagsfactory.net
15	Defendant 14: bagspart.com
16	Defendant 15: besthandbagsstore.mdsoll.cn
17	Defendant 16: bestmirrorbrands.com
18	Defendant 17: best-replica-watch.com
19	Defendant 18: best-replica-watches.com
20	Defendant 19: beubag.com
21	Defendant 20: bipurse.com
22	Defendant 21: brandkeys.net
23	Defendant 22: buyawatches.com
24	Defendant 23: buycheapluxury.com
25	Defendant 24: buyreplicahandbags.info
26	Defendant 25: buysns.com
27	Defendant 26: cadudu.com
28	Defendant 27: chinese-replica.net
	Defendant 28: chinese-replicas.com
	Defendant 29: cnreplica-handbags.com
	Defendant 30: copycatshades.com
	Defendant 31: countbags.com
	Defendant 32: dedoro.com
	Defendant 33: designer-handbag-replica.com
	Defendant 34: designer-replicahandbags.com
	Defendant 35: discountbagsoutlet.com
	Defendant 36: discount-designer-bags.com
	Defendant 37: eluxuryking.com
	Defendant 38: eluxurys-mart.net
	Defendant 39: eluxuryxp.com
	Defendant 40: eshop4bags.com
	Defendant 41: etopbagss.com
	Defendant 42: exquisitebag.com
	Defendant 43: fabaaa.com
	Defendant 44: fakehandbagshome.com

1	Defendant 45:	fashionbagzoom.com a/k/a vuittonworld.com
	Defendant 46:	fashionboutiqueshop.com
2	Defendant 47:	fashionladybag.com
	Defendant 48:	fashion-replica-bags.com
3	Defendant 49:	ffchloe.com
	Defendant 50:	forevercbs.com
4	Defendant 51:	galaxysahandbags.com
	Defendant 52:	goodluxuryshop.com
5	Defendant 53:	gooooodbag.com
	Defendant 54:	goto-watches.com
6	Defendant 55:	grabshandbags.com
	Defendant 56:	groundmart.com
7	Defendant 57:	handbag20.com
	Defendant 58:	handbag4s.com
8	Defendant 59:	handbagforever.com
	Defendant 60:	handbagsbeauty.com
9	Defendant 61:	handbagsidol.com
10	Defendant 62:	handbagsmama.net
	Defendant 63:	handbagsonsaleus.com
11	Defendant 64:	handbags-sales.com
	Defendant 65:	handbagswin.com
12	Defendant 66:	handbagswow.com a/k/a creplicahandbags.com
	Defendant 67:	haoreplica.com
13	Defendant 68:	herebagss.org
	Defendant 69:	hereisbag.com
14	Defendant 70:	hightbrand.com
	Defendant 71:	highwaywatches.com
15	Defendant 72:	honey-replicas.com
	Defendant 73:	honey-replicas.net a/k/a honey-replicas.co
16	Defendant 74:	hot-louisvuitton.com
	Defendant 75:	huebags.com
17	Defendant 76:	impostercity.com
	Defendant 77:	irepical.net
18	Defendant 78:	itisdesigners.com
	Defendant 79:	itisreplicas.com
19	Defendant 80:	jajashopping.com
	Defendant 81:	jeanybags.com
20	Defendant 82:	knockoff-bags.com
	Defendant 83:	knockoffhandbagsa.com
21	Defendant 84:	knockoffnamebag.com
	Defendant 85:	louisvuitton4bag.com a/k/a eluxury4all.com
22	Defendant 86:	louisvuittonbrandbag.com
	Defendant 87:	louisvuittonbrandbags.com
23	Defendant 88:	louisvuittonhandbagsshop.com
	Defendant 89:	louisvuittonoutletonline.net
24	Defendant 90:	louisvuitton-outlet-stores.com a/k/a louis-vuitton-outlet-stores.net
25	Defendant 91:	louisvuittonreplica.org
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1	Defendant 92:	louis-vuitton-replicas.com
	Defendant 93:	louisvuittonsale-shop.com
2	Defendant 94:	louisvuittonstuff.com
	Defendant 95:	luxury-estore.com
3	Defendant 96:	luxurymirrorbrands.com
	Defendant 97:	lv2get.com
4	Defendant 98:	lvbags.cc
5	Defendant 99:	lvoutletsale.com a/k/a e-fashionshopping.com and luxury-estore.com
	Defendant 100:	lvuksale.com
6	Defendant 101:	memwatches.com
	Defendant 102:	mirrorbrands.com
7	Defendant 103:	mobigarden.com
8	Defendant 104:	mybagwow.com a/k/a handbagsmars.com
	Defendant 105:	mychanelhandbags.com
9	Defendant 106:	mylvlife.com
	Defendant 107:	myshopwww.com
10	Defendant 108:	newbagonsale.com a/k/a newbagpurse.com
	Defendant 109:	newlouisvuitton.com
11	Defendant 110:	nexthandbags.com
	Defendant 111:	omegarecall.com
12	Defendant 112:	onebags.com
13	Defendant 113:	orderluxurybag.com a/k/a vuittonworld.com
	Defendant 114:	perfect-replica-handbags.com a/k/a creplicahandbags.com
14	Defendant 115:	pop-handbags.com
	Defendant 116:	popreplicas.com
15	Defendant 117:	popswisswatches.com
	Defendant 118:	pop-watches.com
16	Defendant 119:	poshmoda.com
17	Defendant 120:	poshreplica.com
	Defendant 121:	purereplicabags.com
18	Defendant 122:	pursestore.uk.com
	Defendant 123:	pursestrade.com
19	Defendant 124:	replica2louisvuitton.com
20	Defendant 125:	replica4lv.com
	Defendant 126:	replica4lvbags.com
21	Defendant 127:	replicabaghome.com
	Defendant 128:	replica-bags8.com
22	Defendant 129:	replicadesignerhandbag.net
23	Defendant 130:	replicahandbagclub.com
	Defendant 131:	replicahandbags4.com
24	Defendant 132:	replicahandbagsale-online.com
	Defendant 133:	replicahandbagsbox.com
25	Defendant 134:	replicahandbagspro.com
	Defendant 135:	replica-handbags-shop.com
26	Defendant 136:	replica-louis.com a/k/a lvhandbagsol.com
27	Defendant 137:	replicaok.net
28	Defendant 138:	replicasky.com

1 Defendant 139: replicaslv.com
2 Defendant 140: replica-watch.co
3 Defendant 141: replicawatch-uk.com
4 Defendant 142: replicawell.com
5 Defendant 143: replicawholesalesunglasses.com
6 Defendant 144: salelouisvuitton.com
7 Defendant 145: salelouisvuittonbags.com
8 Defendant 146: seasoneshandbags.com
9 Defendant 147: seasonsehandbags.com
10 Defendant 148: sell-brands.com
11 Defendant 149: sell-replica.com
12 Defendant 150: shayes.com
13 Defendant 151: shoplouisvuittonreplica.com
14 Defendant 152: shopping-eluxury.com
15 Defendant 153: shopyp.com
16 Defendant 154: showmywatch.com
17 Defendant 155: spotbags.net a/k/a pursevalley.com
18 Defendant 156: superbaghome.com
19 Defendant 157: super-replica.com
20 Defendant 158: swissbestwatch.com
21 Defendant 159: swissmirrorwatch.com
22 Defendant 160: thehandbags.us
23 Defendant 161: thereplicabag.com
24 Defendant 162: thesunglassmanonline.com
25 Defendant 163: thewatch88.com
26 Defendant 164: topluxurystore.com
27 Defendant 165: topreplicahandbags8.com
28 Defendant 166: toshopbag.com
Defendant 167: ugglvgucci.com
Defendant 168: uuhandbags.com
Defendant 169: voguebags.com
Defendant 170: voguewear.com
Defendant 171: walletskey.com
Defendant 172: watch126.com
Defendant 173: watchbrandhome.com
Defendant 174: watchesbit.com
Defendant 175: watchesbrand.net
Defendant 176: watchvipshop.com
Defendant 177: wbrandbags.com
Defendant 178: webbags.org
Defendant 179: westoffer.com
Defendant 180: wowyahoo.com
Defendant 181: wsreplicas.com
Defendant 182: yeahlvwallets.com